

## CHAPTER 8

# THE KING COUNTRY

### 8.1 Principal Data

#### 8.1.1 Estimated total land area for the district

The estimated total land area for district 8 (the King Country) is 2,387,776 acres.<sup>1</sup>

#### 8.1.2 Percentage of land in Maori ownership

The total percentage of land in Maori ownership in district 8 (as calculated from 1940 *Historical Atlas* maps held in the Alexander Turnbull Library) was 95 percent in 1860, 81 percent in 1890, 47 percent in 1910, and 13 percent in 1936 (or 110 acres per head according to the 1936 population figures provided below).

#### 8.1.3 Principal modes of land alienation

The principal modes of land alienation in district 8 were:

- purchases under the Native Land Acts (largely Crown pre-emption);
- public works acquisitions; and
- alienations under the Maori land boards.

#### 8.1.4 Population

The population of district 8 was approximately 2000 to 3000 in 1840 (estimated figure), 3141 in 1891 (estimated from census figures), and 5744 in 1936 (also estimated from census figures).

### 8.2 Main Geographic Features Relevant to Habitation and Land Use

The boundaries of the King Country, or Rohe Potae research district, are as follows. The western coastline forms the western boundary from the Kawhia and Aotea Harbours in the north to the Mokau area north of Taranaki in the south. The

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1. The 'Rohe Potae' district, as identified by local iwi in 1883 covered about 3.5 million acres. Moreover, the Aotea block, as identified by the Native Land Court was estimated to contain 1,884,780 acres (or slightly less than the Rangahaua Whanui block).

northern boundary is marked by the Puniu and Waikato Rivers. The eastern side of the district includes some of the Taupo district and part of the Tongariro National Park. The southern boundary runs through the northern portions of Whanganui and Taranaki lands.<sup>2</sup>

As well as encompassing a large area of valuable rainforest, this district abuts the central volcanic region, which is largely tussock land. Much of the remainder of this district is mountainous and covered by dense bush. The district includes the area called the Rohe Potae, to which the Maori King retreated following conflict in Waikato. The western coastal zone of this district is noted for its ruggedness, however, the Kawhia Harbour inlet to the north provided more accessible food resources. Rolling limestone country marks the north of the district. To the south, the Mokau River valley was sought after by Pakeha because of the coal deposits discovered there in the early 1840s and developed in the 1880s.

Traditional Maori settlements in the Aotea block (western King Country) were often small and concentrated along the major waterways and tributaries, such as the Mokau River, the fertile Waipa River valley, and the major west coast harbours of Kawhia and Mokau. In addition to the rivers, the forests and the coastline provided rich sources of food and materials.

### 8.3 Main Tribal Groupings

The discussion of traditional iwi history in the King Country Rangahaua Whanui report is written on the assumption that claimants themselves will provide detailed evidence of whakapapa and traditional relations between hapu in the area. The report provides only a brief overview, from which this summary is drawn.

The five main iwi of the district are identified by Marr as Ngati Maniapoto, Ngati Raukawa, Ngati Tuwharetoa, Whanganui, and Ngati Hikairo. Major iwi to the north of the Rohe Potae trace descent from the ancestor Turongo and the Tainui waka, which landed at Kawhia Harbour. In particular, Ngati Maniapoto took up much of what came to be known as the Aotea block, especially to the west of the district from Kawhia to Mokau. Ngati Raukawa also had interests in the area north of Taupo, including the Patetere Plains, in conjunction with related groups such as Ngati Hikairo, Ngati Matakore, and Ngati Whakatere.

To the east of the district, Ngati Tuwharetoa traced their descent from the Te Arawa waka, and they centred their interests in the expansive area surrounding Lake Taupo, with intersecting interests with Ngati Raukawa in the north, Ngati Maniapoto in the north-west, and upper Whanganui people to the south.

The district was affected by a series of migrations, such as that in the early nineteenth century from Kawhia Harbour down through the western part of the district and on to Wellington and beyond, as well as the large Ngati Raukawa migration to the Wellington region in the 1820s.

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2. C Marr, *The Alienation of Maori Land in the Rohe Potae*, Wellington, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), 1996, p viii

Figure 15: District 8 (the King Country)

## 8.4 Principal Modes of Land Alienation

### 8.4.1 Pre-1840 purchases (including approved old land claims and surplus lands)

A considerable number of old land claims in the Rohe Potae, amounting to approximately 77,850 acres, either were never investigated or were disallowed. Old land claims located in Kawhia, for which Crown grants were issued in 1855, amount to just over 500 acres.

Cathy Marr comments that, while early dealings such as these were acknowledged by Crown grants, the land (except for that of the Wesleyan Missionary Society) could not be taken up while the King movement exerted authority over the district, and it was only occupied when the Native Land Court began operating in the district in the mid-1880s.<sup>3</sup>

### 8.4.2 Pre-1865 Crown purchases

From 1854 to 1857, the Crown completed four large purchases, collectively known as the Awakino purchase, including the Awakino block (approximately 16,000 acres for £530) in March 1854; the Mokau block (approximately 2500 acres for £100) in May 1854; the Taumatamaire block (approximately 24,000 acres for £500) in January 1855; and the Rauroa block (approximately 25,000 acres for £400) in July 1857.<sup>4</sup> In addition to these transactions, McLean also signed a deed of purchase with Waitere Pumipi and several other chiefs for 6000 acres of land at Harihari, for which £200 was paid in July 1854 and a further £200 in August 1857.<sup>5</sup>

### 8.4.3 Pre-emption waiver purchases

There were no pre-emption waiver purchases in district 8.

### 8.4.4 Confiscations

There were no confiscations in district 8.

### 8.4.5 Purchases under the Native Land Acts (Crown and private as indicated)

#### (1) 1865–1900

After the late 1850s, and following the initial sales outlined above, the interior tribes followed a policy of active resistance to land sales through the King move-

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3. Marr, p 4

4. E Stokes, 'Mokau: Maori Cultural and Historical Perspectives', report for the Ministry of Energy, Waikato University, 1988, p 134 (cited in Marr, p 5)

5. A Ward, 'Whanganui ki Maniapoto', report commissioned by the Waitangi Tribunal for Wai 48, 1992, p 15 (cited in Marr, p 5)

ment, which effectively prevented further alienations until at least the late 1870s.<sup>6</sup> Purchases in the southern portion of the district included Mokau–Paraninihi, Kiri-kau, Retaruke, and Waimarino (see ch 7). The Native Land Alienation Restriction Act 1884 prohibited the acquisition of land in the Rohe Potae (as described in the schedule to the Act) amounting to approximately 4½ million acres. Land purchasing in the Rohe Potae heartland officially began in late 1889. By 1900, the Crown had acquired between a third and a half of the whole Aotea block, or some 687,769 acres, either from sales or from land ceded in payment of survey and other costs and interest charges.<sup>7</sup> The Stout–Ngata commission gave the following yearly totals for land sales in the Aotea block.

Year	Area (acres)
To December 1892	17,213
To August 1894	46,512
To May 1895	50,722
To July 1896	4419
To September 1897	1218
To June 1898	278,250
To June 1899	67,139
To July 1900	6110

Yearly totals for land sales in the Aotea block.  
Source: AJHR, 1907, g-1b, p 4 (cited in Marr, p 148).

## (2) 1900–10

While it is not possible to supply an exhaustive list of, or total figure for, purchases made in this district from 1900 to 1910, the following are examples of purchases made during this time that have been identified in the researching of the district.

- On 2 April 1890, land purchase officer Wilkinson reported that he had managed to buy shares in the Mangauika block from two owners.
- In December 1890, the Taorua block (50,000 acres) went before the Native Land Court and was subdivided. Negotiations began for the purchase of the subdivision known as Waiaraia (6000 acres), which had seven listed owners, including Wahanui. Following some delays, purchasing began in the block on 3 April 1891.
- In April 1894, when interests in the Wharepuhunga 1 block were partitioned out, the Crown was awarded 37,767 acres with the balance (the Wharepuhunga 2 block) going to the non-sellers. Excluded from the sale were

6. Marr, p 7

7. Report of the Stout–Ngata commission, AJHR, 1907, g-1b (cited in Marr, p 149)

3776 acres of reserves. This land was largely owned by Ngati Raukawa. By 1907, the Crown had acquired 54,311 acres of the block. This left Maori with 76,955 acres in the block.

- In August 1894, the court awarded Taharoa b, section 2, to the Crown, based on shares purchased representing about 6357 acres.
- By May 1895, Wilkinson reported on partitions awarded to the Crown in the Otorohanga, Hauturu, Maraeroa, and Pirongia blocks, which totalled over 48,000 acres.

### (3) *Post-1910*

Very little land was voluntarily vested in the Maniapoto Tuwharetoa Maori Land Board, which encompassed the Rohe Potae. Ngati Maniapoto preferred to manage their lands themselves. According to the Stout–Ngata commission, by 1907 only the three native townships (893 acres in total) and the Maraetaua 10 block (1800 acres) had been vested in the board. An estimation of the total amount of land alienated in district 8 between 1910 and 1939 (using the maps reproduced at the start of this report) is 805,207 acres. These purchases were either to private purchasers with the formal approval of the Maori land board, or to the Crown under the Native Land Act 1909.

### 8.4.6 Land taken for public purposes

Up until the 1870s, the interior lands of the King Country remained closed to Government public works. Throughout the 1870s, however, public works construction, such as roading construction in Taupo, began to be accepted by those iwi with land on the outer edges of the district. Pressure continued to mount on King movement leaders in the late 1870s to allow more public works projects in the district, and the main trunk railway line was commenced in 1885.<sup>8</sup> The line for the track itself was given by agreement, with compensation payable for the sidings and stations. (For a further discussion, see volume ii, chapter 11.)

### 8.4.7 Land taken for survey costs

Marr reports that large areas of land in the Rohe Potae were acquired by the Crown in payment of survey costs, although details are not available in the report.<sup>9</sup> (For a more general discussion, see volume ii, chapter 12.)

### 8.4.8 Native townships

Four Native townships were proclaimed under section 8 of the Native and Maori Lands Laws Amendment Act 1902. Three of these, Taumarunui, Te Kuiti, and Otorohanga, were in the King Country (comprising 893 acres) and were vested in

8. Marr, p 10

9. Ibid, p 86

the Maniapoto–Tuwharetoa Maori Land Board. Originally, the urban sections were leased, but under an amendment Act of 1910, tenants and the Crown progressively acquired the freehold (see vol ii, ch 16).

## 8.5 Outcomes for Main Tribes in the Area

Within the Rohe Potae, 687,769 acres had been acquired by the Crown by purchase or in payment of survey liens between 1892 (when the Crown commenced purchasing) and 1900. Crown purchases practically ceased in 1900, but they resumed again in 1906, with a further 69,360 acres being purchased by the Crown.

Out of a total area of approximately 1,844,780 acres (being the Rohe Potae district, as defined by the Stout–Ngata commission), about 774,977 acres had been purchased, mostly by the Crown; 217,763 acres were leased or under negotiation and at least 110 acres had been taken for public works or scenic reserves, leaving a balance of 851,930 acres in Maori hands in 1907.

The Stout–Ngata commission reported in 1908 that, in the previous year, an area of about 40,000 acres had been leased or had come under negotiation for lease and the Crown had purchased interests in various blocks. No acreage was provided by the commission.<sup>10</sup>

## 8.6 Examples of Treaty Issues Arising

### 8.6.1 The Native Land Court

Despite the fact that Maori within the King Country originally resisted the operations of the Native Land Court in their district, the court was operating on the edges of the district and was whittling away at its outer boundaries. When, in keeping with Kingite policy, the court was boycotted by King Country iwi with customary interests in the border lands, the land was simply awarded to interested parties who did appear at the hearing. As Marr observes, it was simply not possible for Rohe Potae Maori to ignore the Native Land Court process. By the late 1870s and early 1880s, Maori living just within the boundaries of the district were applying to the court for the hearing of their land. Their initial preference once title was established, however, was to lease the land.

As this process continued, tensions mounted among Maori in the district. In the 1880s, the Government negotiated directly with iwi with traditional claims to Rohe Potae lands, in particular leaders such as Wahanui, Taonui, and Rewi Maniapoto. The likelihood of Rohe Potae lands passing through the court precipitated a division between traditional Maori owners and the more recent Waikato arrivals. Thereafter, Tawhiao was largely bypassed by Government officials who interpreted the rift as a decline in support for the Kingitanga and its policies. In 1891, Judge

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10. AJHR, 1908, g-10, p 1

Fenton (referring to the non-recognition of the interests of Waikato Maori who had moved into the Rohe Potae in the 1860s) stated that the '1840 rule' (see vol ii, ch 7) provided 'one of the great reasons of the break-up of the coalition'.<sup>11</sup>

### 8.6.2 Leasing

The King movement responded to the internal and external pressures to engage in the developing national economy by attempting to lease land. The 56,000-acre lease agreement with Joshua ('Mokau') Jones in the Mokau–Mohakatino block demonstrates the problems Maori encountered in leasing rather than selling. Evelyn Stokes has called this case 'one of the most dubious of any transactions involving Maori land in the nineteenth century'.<sup>12</sup> In an exceptional request, the owners of the block applied to the court to secure title to the land and, therefore, income from the lease also. In 1888, the block was surveyed according to Jones' interpretation of the lease agreement (Jones being the lessee), rather than the boundaries agreed to by the owners when the lease was signed. Cultivations and burial grounds were disrupted as a result. The years of legal action that followed regarding many aspects of the lease agreement forced Jones to remortgage the lease, and the block was eventually sold to other interests.<sup>13</sup>

### 8.6.3 The 1883 agreement

The Ngati Maniapoto 'compact', or 'Aotea agreement', was a series of understandings and agreements negotiated by iwi leaders and the Government from 1882 to 1883. A petition was subsequently presented to Parliament in June 1883. It asserted Maori rights to exclusive and undisturbed possession of their lands but indicated a willingness both to consider leasing (and possibly some sale controlled by Maori) and to admit the railway. It came from Wahanui and his followers and was strongly disapproved of by Tawhiao, who sent a counter-petition, which was ignored by the Government. The Government subsequently took legislative steps to meet some of the petitioning leaders' requests.

A second series of meetings in 1883 addressed the possibility of a survey of the Rohe Potae external boundary. In these negotiations also, the Government refused to acknowledge that Ngati Maniapoto leaders were speaking for a confederation of tribes. This, in turn, led to a fundamental misunderstanding regarding the external boundary of the proposed survey, particularly when the Native Minister, John Bryce, persuaded Ngati Maniapoto chiefs alone to sign the application to the court. In addition, Bryce appears to have intended the Native Land Court to determine internal tribal and hapu boundaries in the district, despite clear indications from

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11. Cited in D V Williams, 'The Use of Law in the Process of Colonization: An Historical and Comparative Study, with Particular Reference to Tanzania (Mainland) and to New Zealand', PhD thesis, Dar es Salaam, 1983, p 315

12. Stokes, p 148 (cited in Marr, p 14)

13. Marr, pp 12–14

Maori that more detailed investigations would be entirely within the control of Maori, who looked to native committees, or a reformed Native Land Court, to assist in this process.<sup>14</sup> The agreement on the external boundary survey was confirmed by an exchange of letters between Government surveyors and chiefs in December 1883. Wahanui and other leaders agreed to an external boundary of ‘our block’ and insisted that the agreement not be altered by other arrangement or by any future government, which the Surveyor-General agreed to in reply.<sup>15</sup>

In the event, despite Government reassurances and Maori expectations of the survey, the letters were vague enough to allow for differing interpretations; Maori assumed the ‘block’ to be surveyed was the entire rohe of the associated tribes as set out in the agreement, while the Government used the survey to separate out from the larger region the mainly Ngati Maniapoto Aotea block, which comprised only part of the district. Also, while Maori had understood that an external survey would in no way implicate them in internal surveys of the Rohe Potae, Government officials were operating on the assumption that internal hearings would proceed as soon after the external survey as possible.<sup>16</sup> Marr comments that the Government’s encouragement of applications for internal survey was an important means of undermining the Maniapoto chiefs’ desire to delay proceedings until more appropriate alternatives to the land court were in place.<sup>17</sup> She notes also that the Government was ‘less than honest’ in revealing its intentions concerning the land court operation within the district to the Ngati Maniapoto leaders. This was particularly true in the early years, when the support of these leaders was crucial to the Government’s success in advancing negotiations and Maori were reliant on the Crown’s good faith in the agreements made.<sup>18</sup>

Following the passage of the Railways Authorisation Act 1884, the Government decided that compensation for land taken for the railway would only be paid when title was determined by the Native Land Court, in direct contrast to Maori appeals to exclude the court from internal adjudications of the Rohe Potae. As pressure mounted against iwi and concern grew regarding the implications of the survey, further splits appeared within the confederation. In 1885, Ngati Tuwharetoa applied separately for a hearing of the Taupouiatia block. Whanganui and other tribes, who had been writing to the Government since 1883, also eventually filed separate applications for the determination of their interests.

In June 1886, the Native Land Court began its sittings at Kihikihi to determine the boundaries of the Aotea block of 1,844,780 acres of largely Ngati Maniapoto land, a considerable reduction from the 3.5 million acres referred to by Maori in the 1883 petition. Within two years (by 1888), the Native Land Court had begun hearings relating to internal division within the district, which, Marr asserts, again undermined the aspirations of certain chiefs and communities, who wanted to wait

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14. Ibid, pp 29–30

15. Ibid, p 33

16. Ibid, p 39

17. Ibid, p 40

18. Ibid, pp 42–43

until a more satisfactory arrangement than the court was established.<sup>19</sup> As early as 1890, Wilkinson (a land purchase officer and 'native agent') acknowledged in a report that Maori in the Rohe Potae were forced, very reluctantly, into the Native Land Court process by the unpleasant reality that their title to land within the district would not be recognised by law unless it was proved in the court.<sup>20</sup> He reported also that the court's requirement of a list of owners before it would issue an order for title encouraged 'jealousy, ill-feeling, bickerings and quarrelling', which resulted in the subdivision of the original large block into numerous small blocks within the Rohe Potae, with a list of owners for each.<sup>21</sup> In the late 1880s, officers used their links with Maori communities in the Rohe Potae to take advantage of divisions among Maori and buy land from disaffected sections of rank and file owners. Wilkinson appeared to both condone this method and use it to the Crown's advantage.<sup>22</sup> Marr observes that 'the government was to determine the extent, pace and method of purchasing without the effective participation of Ngati Maniapoto leaders'.<sup>23</sup> The Native Land Court judges' insistence that the law required them to submit lists of individual names also opened the way to the piecemeal acquisition of signatures by the land purchase agents.

#### 8.6.4 The role of officials

Serious questions are raised regarding the Crown's active protection of Maori interests in respect of the conflict of interests of officials such as Wilkinson, who simultaneously held positions as a Government native agent and a local land purchase officer. The Government relied on Wilkinson's reports as a native agent in determining purchasing policy, despite the fact that Wilkinson had a vested interest in land purchasing, while at the same time he was required to investigate Maori grievances as the Government native agent.<sup>24</sup> The appointment of W H Grace in 1890 as a temporary land purchase officer and court interpreter also involved a likely conflict of interest, especially because Grace had left the Government service in the late 1880s and, in so doing, avoided prosecution for the unauthorised use of purchase payments.<sup>25</sup> Grace was to assist Wilkinson 'in any way' he could with purchases in the Rohe Potae.<sup>26</sup>

Marr argues that Government officials 'clearly believed they had a duty to manipulate the Court system to make it more effective in enabling Maori land to be freeholded' and that they also had a hand in legislative amendments such as the Native Land Alienation Restriction Act 1884, which strengthened the Government

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19. Ibid, p 46

20. AJHR, 1890, g-2, p 3 (cited in Marr, p 46)

21. AJHR, 1890, g-2, p 3 (cited in Marr, p 47)

22. Telegram from Wilkinson to Lewis, 19 March 1890, ma 13/78, nlp 90/69 (cited in Marr, p 74)

23. Marr, p 55

24. Ibid, p 61

25. Note by Sheridan on Lewis report, 19 August 1889, ma-mlp box 26, nlp 89/240 and attachments (cited in Marr, p 64)

26. ma-mlp box 27, nlp 90/166, 90/172 (cited in Marr, p 65)

land purchasers' position with respect to Maori land in the Rohe Potae.<sup>27</sup> She refers to the substantial evidence that collusion between officials and judges existed, identifying, for example, connections between Lewis and the chief judge of the Native Land Court, with whom Lewis discussed issues of court policy and practice that affected land purchasing.<sup>28</sup> When the task of defining interests in the Rohe Potae appeared too vast and complex for the court to manage, it appears that Lewis and Wilkinson were instrumental in convincing the chief judge to have two courts sit in the district in late 1891 in an attempt to clear the backlog of definition of interests. Furthermore, land purchase officers were apparently able to manipulate the timing of hearings and the use of costs and fees to force further subdivisions and sales.<sup>29</sup> By contrast, Maori had considerable difficulty in obtaining Government assistance with the Native Land Court, because the Government refused to interfere in the court process on their behalf.<sup>30</sup> Marr concludes that, while there was no illegality in the influence of land purchasing officials in the court system, the evidence suggests that the Crown's obligation to ensure that Maori interests were fairly protected was allowed to become subservient to the needs of purchasing.<sup>31</sup>

### 8.6.5 Crown purchasing techniques

Despite the fact that, by March 1891, the Maori interests in three-quarters of the area passed through the court in the Rohe Potae were undefined, the Government was unwilling to delay purchasing any longer, and the Minister of Native Affairs was advised by Lewis that purchasing would begin before interests were defined.<sup>32</sup> This meant that it was not possible to be accurate about the quantity of land represented by the shares, the exact location of the shares on the ground, or the relative value of individual shares.<sup>33</sup> The Government was warned of the risks of buying possibly unequal shares before they were defined,<sup>34</sup> and it appeared aware of the danger of antagonising sellers and creating dissatisfaction among them with respect to purchases made by the Crown.<sup>35</sup> Rather than taking this advice, the Government moved in the other direction, making further exceptions to standard purchasing policy in order to advance selling in the district. It was assumed, for example, that undefined shares were of equal interest, and while it was general policy not to buy the shares of minors, Wilkinson was able to do so if such a purchase would complete title for the Crown.<sup>36</sup> Other purchasing techniques practised by the Crown that raise Treaty issues include using indebtedness to storekeepers, who had an important role in providing credit in the district, to try and force

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27. Marr, p 67

28. Lewis to Wilkinson, 28 December 1889, ma 13/78, attachment to nlp 89/332 (cited in Marr, p 68)

29. Marr, pp 68–69

30. ma-mlp box 29, nlp 91/210 and attachments (cited in Marr, p 69)

31. Marr, p 69

32. Lewis to Native Minister, 18 December 1889, ma 13/78, nlp 89/332 (cited in Marr, p 79)

33. Marr, p 80

34. J H Edwards to Native Minister, 27 May 1890, ma 13/78, nlp 90/173 (cited in Marr, p 81)

35. Marr, pp 80–81

36. Telegram from Sheridan to Wilkinson, 21 January 1891, ma 13/78, nlp 91/13 (cited in Marr, p 130)

transfers of land.<sup>37</sup> Since a prohibition on private dealing prevented land from being transferred straight to a storekeeper for debts, the land purchasers would recommend credit for particular owners, who then had to pay off debts in cash with their purchase money.

Government interference in the process of establishing title to the land was strongly criticised by Ngati Maniapoto leaders, who felt that such pre-purchasing was in breach of an agreement with the Government not to buy individual interests before title was settled by Maori committees, an understanding rejected by Government officials.<sup>38</sup>

The secret purchasing of individual interests was, according to Marr, a direct attack on the authority of chiefs and the ability of the hapu and iwi to make decisions on the management of land. Furthermore, it was a tactic that undermined the overt determination of a majority of owners to resist sales.<sup>39</sup> Grace advocated this tactic in attempting to purchase the Mahakatino–Paraninihi 1 block in early 1890. He knew that the Ngati Maniapoto owners of the block were leading men and that if they sold their interests it might create dissatisfaction among others and encourage them to sell also.<sup>40</sup>

Wilkinson was not supportive of Maori attempts to create sustainable sources of income for themselves in the Rohe Potae (through sheep farming, for example) as an alternative to selling the land. He believed such ventures were doomed to failure. In addition, during the 1890s, Wilkinson suggested ways to create a need for cash among owners that would induce them to sell the land, taking advantage, for example, of hapu that were having to sell land in order to finance hearings for more important blocks of land elsewhere.<sup>41</sup> According to Wilkinson:

Want of money alone will make them sell . . . So long as they do not require money, an increase in price has with very exceptions, no other effect than to show an increased desire on our part to acquire the land quickly, which, in itself, is detrimental to land purchase. As soon as any of the owners require money they will sell, regardless of price.<sup>42</sup>

Wilkinson was typical of Government officers who believed that Maori would benefit from opening themselves up to European trade and who exhibited an indifference towards Maori inexperience in commerce and an eagerness to acquire land. In Treaty terms, such actions do not sit well with the principle of active protection of Maori interests by the Crown, or with the terms of the Treaty itself at article 2, which state that Maori would retain their taonga for as long as they wished.

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37. ma-mlp box 59, nlp 1900/137 (cited in Marr, p 76)

38. Marr, p 83

39. Ibid, p 83

40. Memo from W H Grace, not dated, attached to Wilkinson memo, 13 March 1890, ma 13/78, nlp 90/51 (cited in Marr, p 74)

41. Marr, p 85

42. ma-mlp box 60, nlp 1901/6 (cited in Marr, p 86)

In short, Government officials made a determined effort to break down Maori resistance to sales in the Rohe Potae. The pressure to sell was unremitting and, in the end, successful.

### 8.6.6 Survey and other costs

Maori in the Rohe Potae were obliged to pay survey costs when surveys had to be repeated because of original errors,<sup>43</sup> as well as paying the costs of subdivisions that Maori had not, initially at least, intended to have done. Marr indicates that, by 1907, survey costs had contributed to the sale of an estimated 40,000 acres of land in the district.<sup>44</sup> (For a further discussion, see volume ii, chapter 12.)

### 8.6.7 Reserves

Ngati Maniapoto chiefs were assured by officials that sufficient reserves would be made for them when land was purchased.<sup>45</sup> Deeds of sale in the Rohe Potae commonly included a provision for a 10-percent reserve for the sellers.<sup>46</sup> Government officials appear to have been motivated by the hope that this would encourage owners to sell rather than a concern for Maori wellbeing, and as a result, policy discussions concerning reserves appear to have had very little consideration for Maori interests. Wilkinson later made attempts to buy up reserves, and survey liens were imposed on reserves, forcing further sales (as was the case with reserves just north of the Mokau River).<sup>47</sup>

### 8.6.8 Purchase price

Given that the Crown had established a virtual monopoly in the Rohe Potae by means of the Native Land Alienation Restriction Act 1884, it follows that it had a certain obligation to Maori to protect their interests in setting a purchase price for land. Maori were further assured by officials that a reasonable price would be paid for the land.<sup>48</sup> In the event, however, the Crown used its monopoly to set and maintain low prices for land, to withhold information about the real value of the land from potential sellers, and to restrict alternative sources of income for Maori, such as leasing the land.<sup>49</sup> The Government also refused to acknowledge the additional value of resources attached to the land in the Rohe Potae, such as timber, coal, and limestone, which considerably increased its value. At the same time, the

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43. Marr, p 86

44. Ibid, p 125

45. Letter sent to Ngati Maniapoto chiefs under signature of Native Minister, 26 June 1889, ma 13/78, nlp 89/184 (cited in Marr, p 87)

46. Marr, p 100

47. For example, memo to commissioner of Crown lands at New Plymouth, 24 November 1890, re lodging survey liens against reserves, ma-mlp box 60, nlp 1901/6 and attachments (cited in Marr, p 89)

48. For example, R J Seddon, NZPD, vol 86, p 374 (cited in Marr, p 90)

49. Marr, p 90

Government refused to buy sections on which improvements had been made, in order to hold prices down. Such was the case with various township sections in the Rohe Potae. It was in the Government's interest to refuse to help in the development of Maori land for the same reason.<sup>50</sup> When the Native Minister visited the King Country in April 1891, Maori gave great emphasis to, and appeared unanimous in their support for, the removal of the restrictions of private purchasing within the Rohe Potae block.<sup>51</sup> In 1907, the Stout–Ngata commission found that these restrictions against private dealings deterred Maori from properly utilising and settling their own lands. The commission also considered that the Crown's price was 'below the market value'.<sup>52</sup>

In 1889, the Native Minister set a purchase price of five shillings per acre.<sup>53</sup> Lewis, however, instructed Wilkinson to buy land in the authorised blocks for 3s 6d per acre, with no distinctions made on the quality of land. The price could be raised if these attempts were unsuccessful.<sup>54</sup> Marr notes that the flexibility in price, when it occurred, was generally to the Government's advantage.<sup>55</sup> While it is difficult to make comparisons on purchase prices between districts, the low price paid for land in the Rohe Potae is evident when the average price of land there in the 1890s, which was four shillings per acre, is compared with the 6s 4d average price per acre for Maori land in the North Island generally at this time.<sup>56</sup>

### 8.6.9 The Taorua transaction

When the Taorua block was subdivided, Wahanui and others offered to sell at least one subdivision to the Crown. The Government, on the other hand, unilaterally changed the basis of the purchase and issued instructions to purchase the entire block. As a result, Wilkinson not only bought the land offered but also, through secret individual purchases (discussed above), continued to purchase interests in the entire block, thereby undermining the authority and wishes of chiefs such as Wahanui.<sup>57</sup> This was despite the fact that such chiefs had resisted these sales, saying that 'some of the owners would not have any land to live upon'.<sup>58</sup> This, according to Marr, seemed of little consequence to Wilkinson.<sup>59</sup>

In keeping with their objective to have all owners agree to sales and in an attempt to comply with the requests for sale, chiefs requested time to consult with those living on the extra land required by the Government. When it was evident to

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50. Ibid, p 92

51. AJHR, 1891, sess 2, g-5, pp 2–6 (cited in Marr, p 93)

52. Stout–Ngata report, AJHR, 1907, g-1b, p 4 (cited in Marr, p 93)

53. Instructions from Native Minister Mitchelson to Lewis, 20 December 1889, ma 13/78, nlp 89/332 and attachments (cited in Marr, p 94)

54. Instructions from Native Minister to Lewis, 17 April 1890, ma 13/78, nlp 90/60 (cited in Marr, p 94)

55. Marr, p 94

56. Tom Brooking, "'Busting Up" the Greatest Estate of All: Liberal Maori Land Policy, 1891–1911', *New Zealand Journal of History*, p 78 (cited in Marr, p 97)

57. Marr, p 109

58. Wilkinson to Lewis, 10 April 1891; ma 13/78, nlp 91/61 (cited in Marr, p 110)

59. Marr, p 110

Wilkinson that those consulted were generally reluctant to sell, he suggested to his superiors that secret individual purchases be used to overcome this reluctance. Senior officials agreed with this approach.<sup>60</sup> Marr comments that ‘This purchase revealed that the government was determined to decide on the pace, scale and methods of land purchase without real participation from the Ngati Maniapoto leaders’.<sup>61</sup>

#### 8.6.10 The Wharepuhunga transaction

Marr comments that the Wharepuhunga block purchase of some 133,706 acres was an example of the type of purchase conducted by the land purchase officers entirely against the wishes of the principal owners (in this case, a hapu of Ngati Raukawa).<sup>62</sup> Early in negotiations in 1890, the Government recognised that it would only be able to buy land through secret purchase.<sup>63</sup> The owners, however, requested that the Government place the land under restriction according to the Lands Frauds Prevention Act 1881 to protect it from sale. In September 1890, Lewis advised Maori that such applications must be made to the Native Land Court, and the very next day, he instructed that purchasing on the block begin at 2s 6d an acre. The sellers were advised that 10-percent reserves would be excluded from sale.<sup>64</sup> Maori wrote to Wilkinson and asked him to stop paying for shares in the block. There is no record of an acknowledgement or a reply to this letter.<sup>65</sup>

In August 1891, Lawrence Grace offered the Land Purchase Department his services in obtaining the signatures of about 100 owners in the Wharepuhunga block. The owners were informed that the Native Minister ‘has authorised bonus payments of two shillings and sixpence (2/6) for signatures obtained during two months through the agency of Ngakura, or any other chief who influences his people to sign’.<sup>66</sup> Further appeals by resident Ngati Raukawa hapu for the protection of this land, as their only land remaining, were also ignored by officials.<sup>67</sup>

#### 8.6.11 Native townships

The Native Townships Act 1895 provided for land to be compulsorily set aside for native townships. In the King Country, however, the initial arrangements for the townships seem largely to have been agreed between the Native Minister, James Carroll, and the Ngati Maniapoto leaders from the fixed-term leases. In 1910, the Government amended the Act to allow leaseholds to be made perpetual or to be

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60. Wilkinson to Under-Secretary of Native Department, 10 April 1891; reply 1 May 1891, ma 13/78, nlp 91/61 (cited in Marr, p 110)

61. Marr, p 111

62. Ibid, p 112

63. Ibid

64. Ibid, p 113

65. Ibid

66. Correspondence, August 1891, ma-mlp box 61, nlp 91/264 (cited in Marr, p 115)

67. Marr, p 115

freeholded. Carroll, and Apirana Ngata, concurred very reluctantly with Liberal party policy in this change, which appears to infringe article 2 of the Treaty.

Marr comments that:

The subsequent history of these townships has raised a number of issues about the Crown's commitment to the protection of Maori interests, the Crown's willingness to balance conflicting Pakeha and Maori interests, and the Crown's commitment to enabling Maori to participate in modern economic developments and opportunities. In general, much of this history appears to confirm Heke's fears that the Crown would inevitably tend to give priority to settler interests. [Heke was the member of Parliament for Northern Maori.]<sup>68</sup>

For a further discussion see volume ii, chapter 16.

### 8.6.12 Post-1910 alienations

A main concern about the post-1910 sales under the Maori land board is that the board's check on whether the board's Maori beneficial owners had sufficient other land or means was perfunctory in many cases. In addition, the meeting of 'assembled owners', which authorised sales by the boards under Part xviii of the Native Land Act 1909, commonly did not represent a majority (let alone a totality) of the beneficial owners, either by value or by number. Given the limited areas of land remaining in Maori hands and the burgeoning population, any alienations at this time must be regarded as likely to infringe the Crown's Treaty obligation of active protection.

## 8.7 Additional Reading

The following are recommended for additional reading:

Cathy Marr, *The Alienation of Maori Land in the Rohe Potae (Aotea Block), 1890–1920*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), 1996;

Waitangi Tribunal, *The Pouakani Report 1993*, Wellington, Brooker's Ltd, 1993; Evelyn Stokes, 'Mokau: Maori Cultural and Historical Perspectives', report for the Ministry of Energy, Waikato University, 1988; and

Alan Ward, 'Whanganui ki Maniapoto', report commissioned by the Waitangi Tribunal (Wai 48 rod, doc a20).

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68. Ibid, p 142